

REMARKS

The Official Action of February 18, 2004 has been carefully considered and reconsideration of the application as amended is respectfully requested.

The indication of allowable subject matter has been noted with appreciation. The claims have been amended to remove the bases for the rejections under 35 USC 112, second paragraph appearing at paragraphs 13-16 of the Official Action. The amendments and the support for the amendments are as follows:

Claim 1:

(a) "CH₂OF₃" in the R₄ definition is obviously a typographical error. The error and the correct variable "CH₂OCF₃" would have been clear to one of skill in the art from the specification as filed with respect, for example, to the last paragraph on page 4, which provides a correct definition of this R₄ variable;

(b) the redundant recitation of "cyano" has been deleted.

Claims 3,4:

(a) the correction of "CH₂OF₃" and the deletion of the redundant recitation of "cyano" have been made in claim 3 as in claim 1;

(b) a definition for "m" has been inserted into claim 3 in accordance with the disclosure in the specification as filed at page 6, last line;

(c) claim 3 has been amended to include in the definition of R₄ the electron deficient group "COOH" in accordance with the disclosure in the last line of original claim 3. This amendment to claim 3 provides antecedent basis for the recitation of this group in claim 9 (see below); and

(d) the term "alkyl" and its derivatives in the definitions of the variables in R₁ and R₂ have been rewritten as "hydrocarbyl" where the original text makes it clear that the group in question may contain double or triple bonds. Since one of skill in the art would recognize from the original text that the groups may be unsaturated groups the recitation "hydrocarbyl" was inherent in the application as filed and the amendments do not constitute "new matter"; and

(e) the "C₃-C₈ cycloalkyl" "C₃-C₈ cycloalkylene" and "C₅-C₈ heterocycloalkyl" moieties have been corrected so that the number of carbon atoms in these moieties corresponds with those in the moieties from which they derive antecedent basis.

Claim 9:

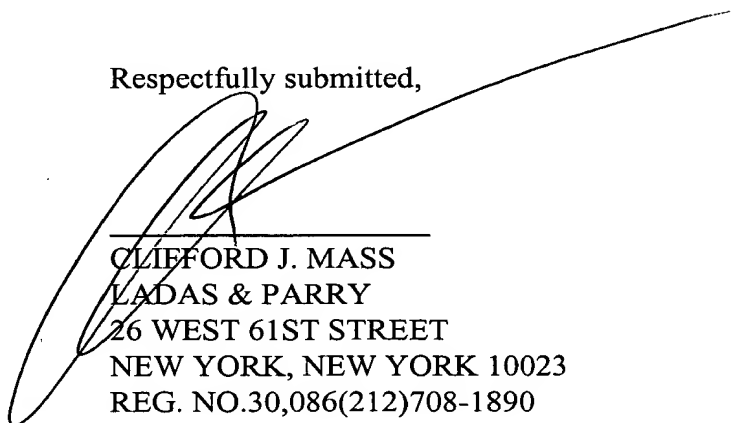
The lack of antecedent basis rejection to claim 9 has been overcome by the amendment to claim 3 discussed above which provides support for the claim 9

recitation of "COOH".

New claims 11-17 have been added more completely to define the subject matter which Applicant regards as the invention. Claims 14-17 drawn to the non-elected process correspond to original claims 5-8, but have been written in dependent form to include all of the limitations of one of the product claims. Upon the allowance of the product claims, it is respectfully requested that these claims be rejoined in the manner courteously set forth by the Examiner in paragraphs 7-10 of the Official Action.

It is respectfully submitted that all objections and rejections of record have been successfully addressed. An early and favorable reconsideration of the application is respectfully requested.

Respectfully submitted,



CLIFFORD J. MASS
LADAS & PARRY
26 WEST 61ST STREET
NEW YORK, NEW YORK 10023
REG. NO.30,086(212)708-1890